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APR 29 2004

**OFFICIAL**

**To:** Office of Patent Publication ,  
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**No. of Pages:** 3 (including cover)  
**Date:** April 27, 2004

**UNOFFICIAL COMMUNICATION**

**Re: Revised Terminal Disclaimer**  
**United States Patent Application 09/839,752**  
**Attorney Docket: 39753-0021 C2**  
**Filed: April 19, 2001**  
**Title: THERAPEUTIC USE OF CIS-ELEMENT DECOYS IN VIVO**

Applicants thank Examiner Marvich for telephone conference on April 20, 2004 regarding submission of new Terminal Disclaimer for the above-identified application.

On March 11, 2004, Applicants submitted a Terminal Disclaimer in response to the Office Action dated February 25, 2004 in connection with the above-identified patent application. However, the Terminal Disclaimer was signed by the undersigned attorney of record for Corgentech, Inc. and not by the proper assignee of the present application. The proper assignee of the entire right, title, and interest in the present application is the Brigham and Women's Hospital, Inc.

Accordingly, per Examiner Marvich's instruction, Applicants respectfully submit a new Terminal Disclaimer executed by the proper assignee of the above-identified application. The new Terminal Disclaimer should replace the previously submitted Terminal Disclaimer.

Respectfully submitted,

Ginger R. Dreger

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In re application of:	)	Examiner: Marvich, Maria
	)	
Victor J. DZAU, et al.	)	Art Unit: 1636
	)	
Application Serial No. 09/839,752	)	Confirmation No. 2781
	)	
Filed: April 19, 2001	)	Attorney's Docket No. 39753-0021 C2
	)	
For: <b>THERAPEUTIC USE OF CIS- ELEMENT DECOYS IN VIVO</b>	)	Customer No. 25213
	)	

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CENTRAL FAX CENTER****APR 29 2004****TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(c)****Mail Stop Fee Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

1. The owner, the Brigham and Women's Hospital, Inc., having a principal place of business at 75 Francis Street, Boston Massachusetts, 02115, represents that it is the owner of the entire right, title and interest in the invention disclosed and claimed in the above-identified patent application, and is also the owner of the entire right, title and interest in the inventions disclosed in co-pending U.S. Application Nos. 08/524,206 and 10/424,011.

2. The Brigham and Women's Hospital, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Application Nos. 08/524,206 and 10/424,011. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application, and is binding upon the grantee, its successors or assigns.

3. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent to be granted on U.S. Patent Application Nos. 08/524,206 and 10/424,011, in the event that they later are found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. 1.321; have all claims canceled by a re-examination certificate; are reissued; or are in any manner terminated prior to the expiration of their full statutory term as presently shortened by any terminal disclaimer.

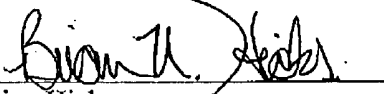
4. I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date:

4/22/04

By:



Brian Hicks

Director

Corporate Sponsored Research and Licensing

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